

Mail Stop Interference  
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Paper 9

Filed: 6 July 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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FRITZ H. BACH, LEO E. OTTERBEIN,  
MIGUEL P. SOARES and JEANNE GOSE,

Patent 7,238,469 B2,  
Junior Party,

v.

DAVID J. PINSKY, DAVID M. STERN  
and CHARLES J. PRESTIGIACOMO,

Application 10/679,135  
Senior Party.

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Patent Interference No. 105,815  
(Technology Center 1600)

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*Before* RICHARD E. SCHAFER, SALLY GARDNER LANE, and SALLY C. MEDLEY,  
*Administrative Patent Judges.*

LANE, *Administrative Patent Judge.*

Judgment– Request for Adverse – Bd. R. 127

1 Counsel for Bach indicates that Bach does not intend to file any paper in the  
2 interference. (See attached e-mail). Accordingly, it is appropriate to enter judgment  
3 against Bach. Bd. R. 127(b)(4).

4 It is

5 ORDERED that judgment on priority as to Count 1 (Paper 1 at 4), the sole  
6 count of the interference, is entered against junior party Bach;

7 FURTHER ORDERED that claims 15, 18, 19, 37-39, and 46-48 of Bach  
8 patent 7,238,469, which claims correspond to Count 1 (Paper 1 at 4), are CANCELLED,  
9 35 USC §135(a):

10 FURTHER ORDERED that if there is a settlement agreement, the parties  
11 are directed to 35 USC 135(c) and Bd. R. 205; and

12 FURTHER ORDERED that a copy of this judgment shall be entered into  
13 the administrative record of the Bach involved patent and the Pinsky involved  
14 application.

cc (via Electronic and Overnight Delivery):

Counsel for BACH:

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**Vignone, Maria**

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**From:** Lane, Sally  
**Sent:** Tuesday, July 05, 2011 12:21 PM  
**To:** Despertt, Sonja  
**Cc:** Vignone, Maria  
**Subject:** FW: FYI - Important!! - FW: Interference 105815 (SGL)

-----Original Message-----

From: Debra Shetka [mailto:Shetka@fr.com]  
Sent: Tuesday, June 28, 2011 11:46 AM  
To: Medley, Sally  
Subject: RE: Interference 105815 (SGL)

Thank you, your honor. I want to let you know that we have been instructed by the client not to pursue this interference and not to incur any fees. As such, I will not be filing any papers in this matter.

Sincerely,  
Debra Shetka

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From: Medley, Sally [mailto:Sally.Medley@USPTO.GOV]  
Sent: Mon 6/27/2011 3:58 PM  
To: Debra Shetka  
Subject: FW: Interference 105815 (SGL)

Dear Ms. Shetka,

You may now file papers through the Web Portal for this case.

Sincerely,

Sally Medley

Administrative Patent Judge

Board of Patent Appeals and Interferences

United States Patent and Trademark Office

From: Debra Shetka [mailto:Shetka@fr.com]  
Sent: Friday, June 24, 2011 1:06 PM  
To: BOX INTERFERENCES  
Subject: Interference 105815 (SGL)

Pursuant to Standing Order 10.1, counsel for Bach in Interference 105815 will be Debra A. Shetka, Reg. No. 33,309, e-mail address [shetka@fr.com](mailto:shetka@fr.com)

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